IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 19TH SEPTEMBER, 2007 / 28TH BHADRA, 1929

OP.No. 34007 of 2000(W)

PETITIONER:

MS.SHEEN.K.,
'TILAK', LIONS NAGAR,
MUNDAKKAL, KOLLAM – 691 001.

BY ADV. SRI.C.K.KARUNAKARAN
SRI.J.JIOTHIS KIRAN

RESPONDENT:

REGIONAL ENGINEERING COLLEGE,
CALICUT – 673 601,
REPRESENTED BY ITS PRINCIPAL.

BY ADV. SRI.K.P.DANDAPANI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD

ON 19/09/2007, THE COURT ON 19/09/2007 DELIVERED THE

FOLLOWING:

APPENDIX
(OP NO.34007OF 2000)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the advertisement in various newspapers dtd.23.5.2000.

Ext.P2: Copy of the call letter for a written test along with Admit Card dtd.1.8.2000.

Ext.P3: Copy of the 'Lecture Demonstration' dtd.8.9.2000.

Ext.P4: Copy of the statement of the candidates dtd.6.10.2000.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

O.P.NO. 34007 OF 2000 - W

Dated this the 19th day of September, 2007

J U D G M E N T

The petitioner is an aspirant for the post of Lecturer in Civil Engineering in the Regional Engineering College (now a National Institute of Technology), Calicut. Pursuant to Ext.P1 Notification inviting applications for selection to the post, the petitioner also applied. According to the petitioner, going by Ext.P4, the petitioner was the first rank holder in the selection and therefore, he was entitled to be appointed. Claiming such appointment, the petitioner has filed this writ petition.

2. The respondent has filed a counter affidavit in which they have specifically denied that Ext.P4 is a rank list. According to them, it is only a list of candidates who were found eligible based on the 'Lecture Demonstration' and not a rank list at all. They would further submit that in view of the direction of this

Court in O.P.Nos.14612 of 1995 and 10996 of 1996, the respondent was bound to observe the principles of communal rotation and the respondent is following the 120 Point Roster for the purpose. Going by the same, the first appointment was to be given to the 37th Point in the Roster which goes to a Scheduled Caste. They would submit that one Mr.Praveen Dnyandeorao Manwar, the first Scheduled Caste candidate in accordance with rank was appointed to that post. That person has not been impleaded as party in the writ petition.

3. The counsel for the petitioner would submit that the petitioner does not want to challenge the appointment of that person now. The petitioner only seeks a direction to the respondent to appoint the petitioner in one of the four vacancies which, according to the petitioner, exists. However, the petitioner has no case that any other person in that selection has been appointed to any vacancy in the particular post

overlooking the petitioner's claim for appointment. On the other hand, the specific contention of the respondent in their counter affidavit is that in view of the proposal for conversion of the Regional Engineering Colleges into National Institute of Technology, they would require freedom of channelising the vacant positions to other disciplines which are more in demand whereas the Civil Engineering Faculty is less in demand. In such circumstances, this Court cannot compel the respondents to fill up any other vacant post, if any, from the said selection.

4. In any event, I do not think that I should direct the respondent to appoint the petitioner after seven years of the particular selection. During these seven years, many others would have become qualified to seek appointment to the vacancies which are now available, if any and if the petitioner is directed to be appointed, it would negate the rights of those many others who would have become qualified subsequently.

In the above circumstances, I do not find any merit in this original petition and the same is dismissed.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

O.P.NO. 34007 OF 2000

J U D G M E N T

DATED: 19-09-2007